



Erasmus+ Strategic Partnership Project  
2020-1-SK01-KA226-HE-094316



Co-funded by the  
Erasmus+ Programme  
of the European Union



Poznań University of Life Sciences  
Univerzitetni Instytut w Poznaniu

## **CONTENT 4**

Land protection: access to land (in Europe)

**Access to land for the EU law**

---

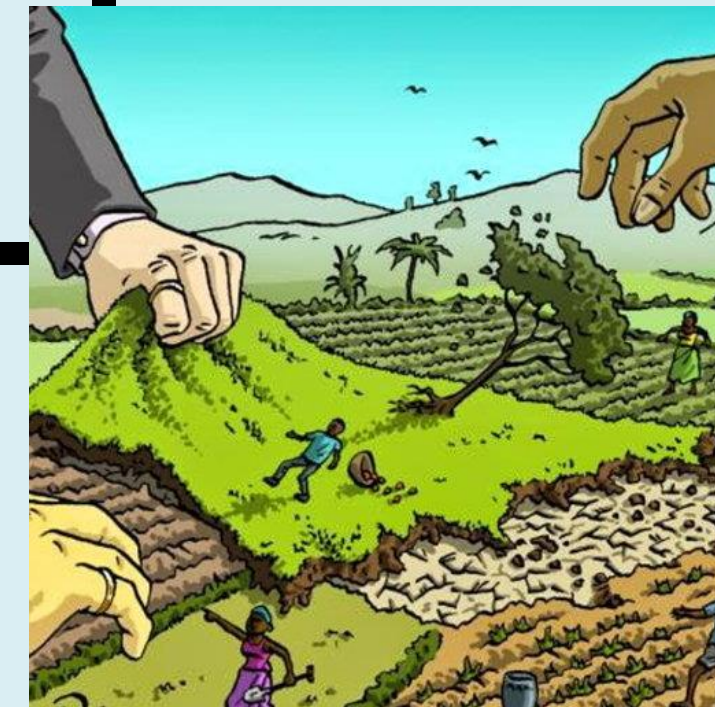
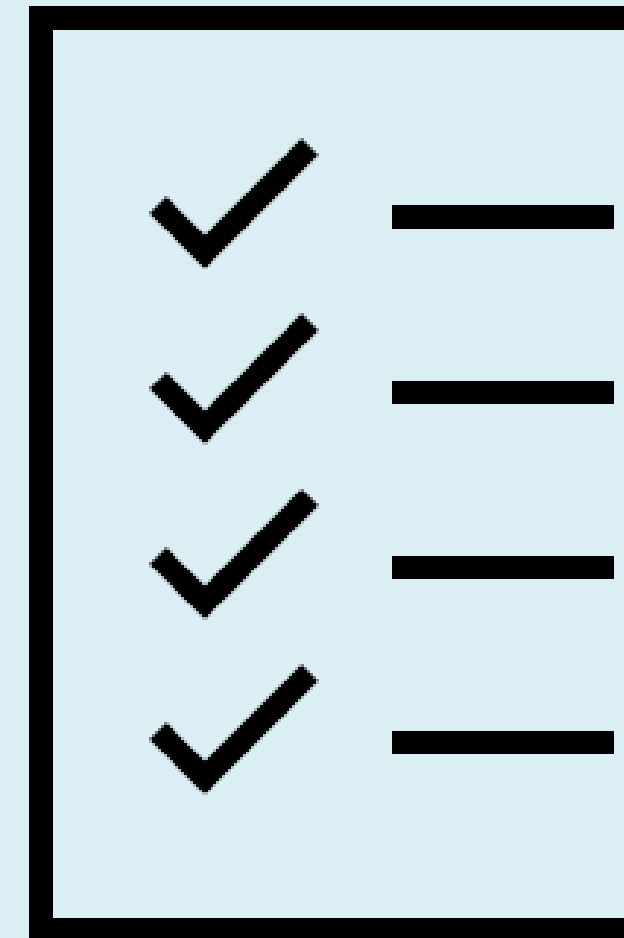
Izabela Lipińska

Professor  
Poznań University of Life Sciences, PL

# Program

---

- 1) Importance of land in agricultural production.
- 2) Access to land within EU land policy.
- 3) State of play of farmland concentration in the EU.
- 4) Good land stewardship.
- 5) Access to land for new entrants.
- 6) Land grabbing.
- 7) How to facilitate the access to land for farmers?



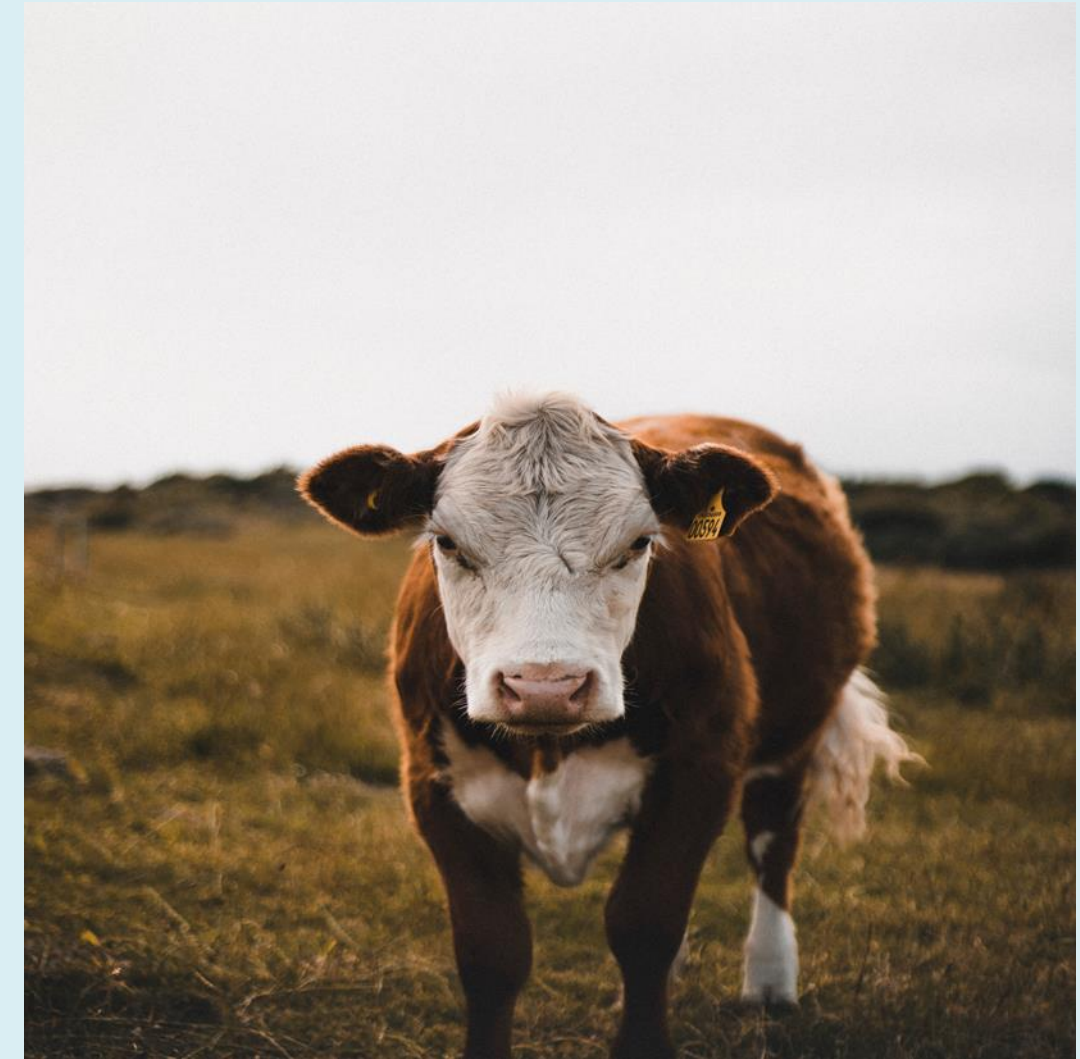
Cartoon: Land grabbing. © expo-copertina, Resilience.org

The essence of farming is the transformation of one value into another in order to achieve the highest profitability, with the economic sphere emerging only as a result of a specific interaction of the **production** unit with the external environment.

Manufacturing activities involve specific resources. If they are "harnessed" in a purposeful way to the **production** process and actively participate in it, they constitute factors of production.

These are primarily land, labor, capital and organization (knowledge).

Their availability is **limited** and has a certain financial dimension.



## IMPORTANCE OF LAND IN AGRICULTURAL PRODUCTION



The most important of these and also the basic element of a farm is **land**. It constitutes one of its basic attributes. It becomes a means of **production** as soon as it takes an active part in the **production** process. This participation is possible due to the properties of the soil and the needs arising from a particular direction of production. Its **productive** qualities are evidenced by its membership in a particular qualitative class, as well as its distribution (size and shape).



**There were 9.1 million agricultural holdings in the EU in 2020, about two-thirds (63.8 %) of which were less than 5 ha in size.**

**EU farms used 157 million hectares of land for agricultural production in 2020, 38 % of the total land area of the EU.**

**The number of farms in the EU has been in steep decline, but the amount of land used for production has remained steady (Eurostat 2022).**



**Land** is an irreplaceable, natural and placeholder environment for agricultural production in its broadest sense. It has unique characteristics such as non-transferability, non-multiplicability, indestructibility and spatiality.

**Land** is permanently inscribed in a specific geographic location and is not subject to relocation. It can change its owner or user, its use, however, its location is fixed.

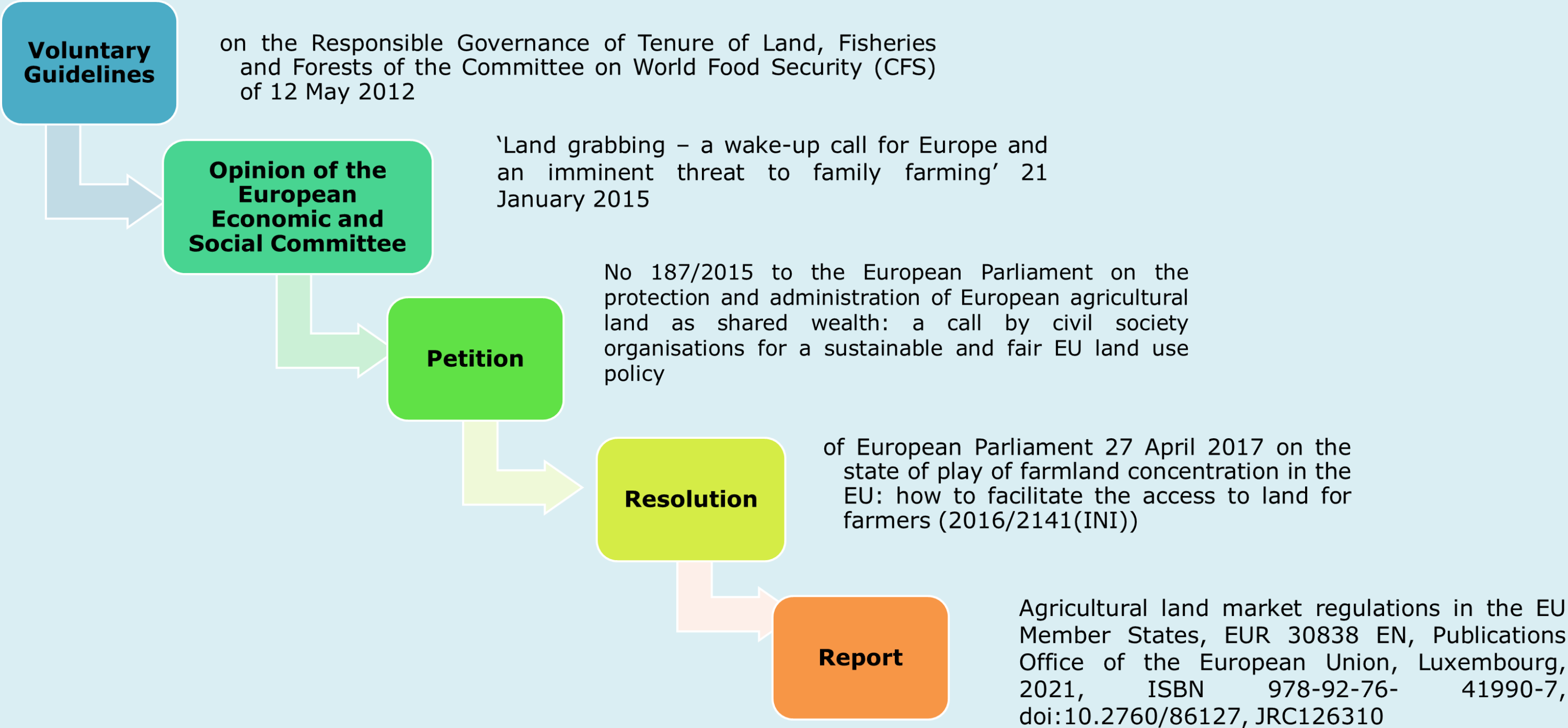
## **IMPORTANCE OF LAND IN AGRICULTURAL PRODUCTION**

Nevertheless, **land** is, on the one hand, property and, on the other hand, a public good and subject to certain social obligations.

Access to **land** and **access** to property are basic human rights established by the national law of each member state. Thus, the influence of the EU legislature is limited.

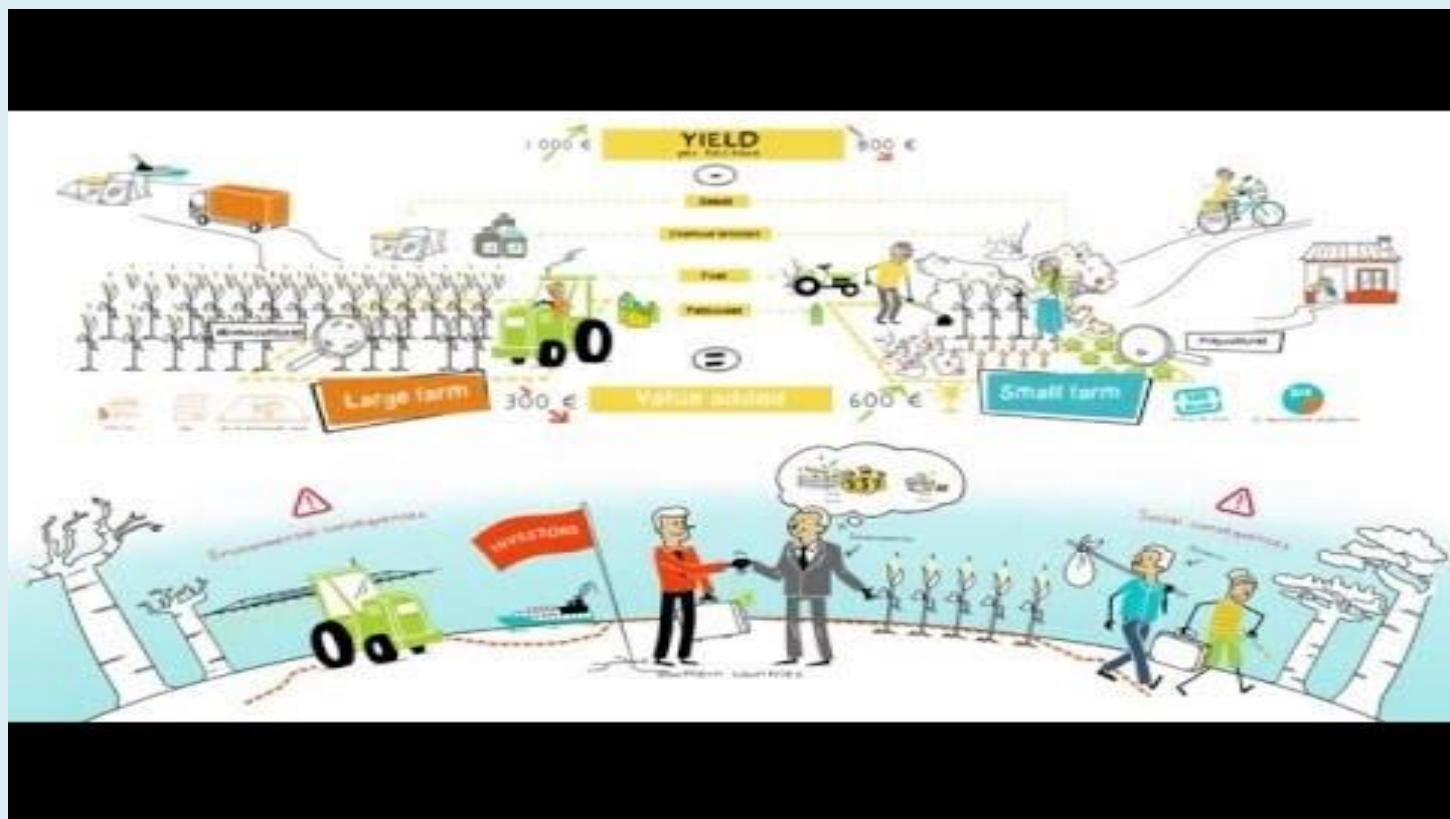
Nowadays, it is an increasingly scarce resource, both in quantitative and qualitative terms.

# EU APPROACH TO THE PROBLEM OF ACCESS TO AGRICULTURAL LAND



## ACCESS TO LAND WITHIN EU LAND POLICY FUNDAMENTAL PROBLEMS

„EU land policy remains somewhat undefined and uncoordinated. While access to land is clearly affected by a range of EU policies and regulations, most member States and EU institutions are reluctant to address this issue in their debate and to develop policy proposals opposing land grabbing, limiting land concentration, facilitating access to land for new entrants and ensuring good land stewardship.” ([accesstoland.eu](http://accesstoland.eu))

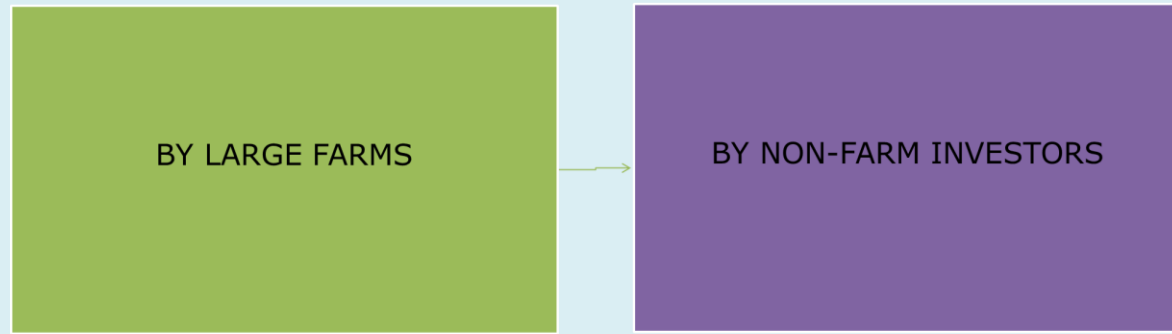


EU has no exclusive or shared competences over EU land resources

Member states have different political, social, cultural and environmental strategies regarding land management

Land is an increasingly scarce resource

# ACCESS TO LAND WITHIN EU LAND POLICY FUNDAMENTAL PROBLEMS

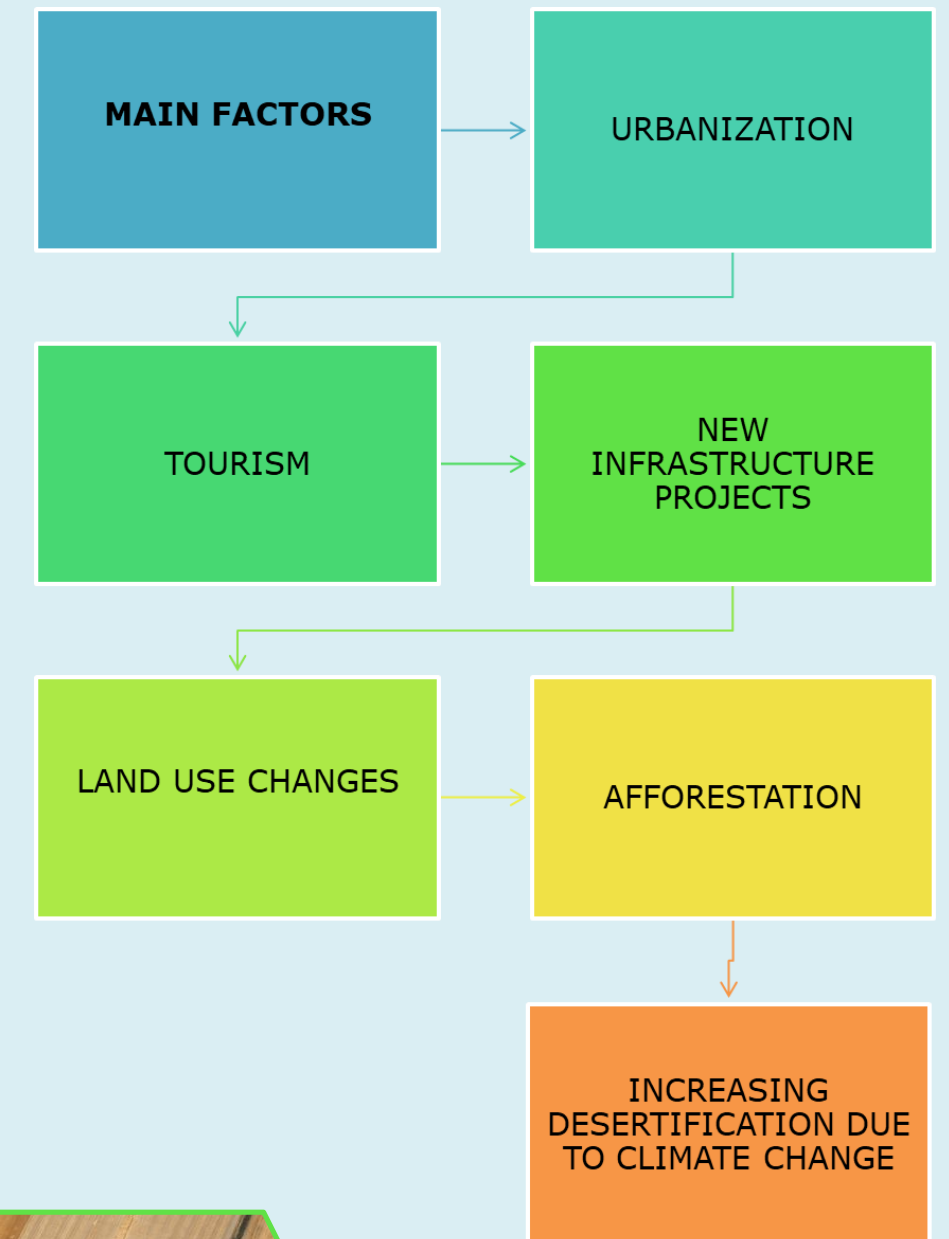


**EXISTING THREATS**

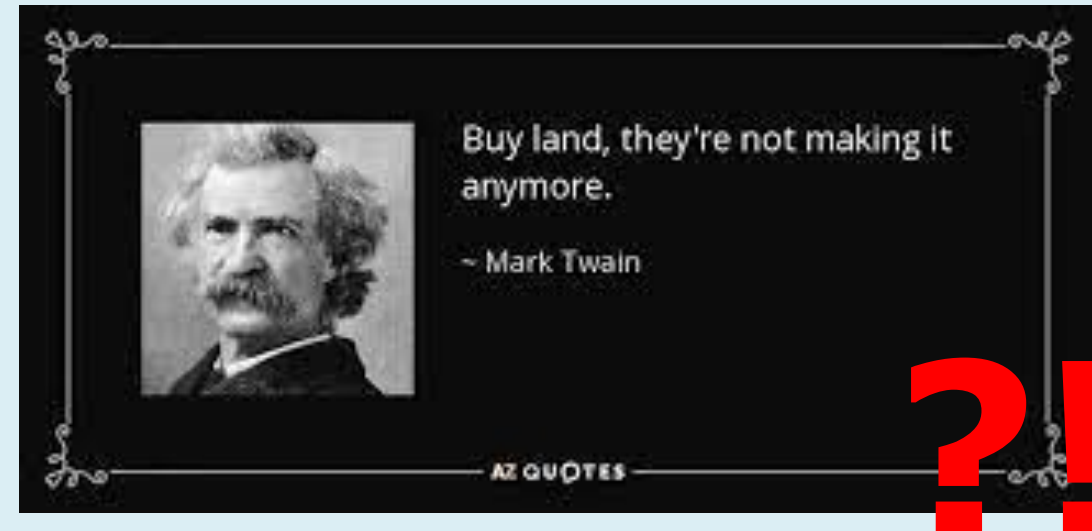


**loss of farmland**

**land concentration**



# STATE OF PLAY OF FARMLAND CONCENTRATION IN THE EU



The **concentration** of farmland has an adverse effect on the development of rural communities and the socio-economic viability of rural areas, and results in the loss of agricultural jobs, thus decreasing the standard of living for the agricultural community and the availability of food supplies, and creating imbalances in territorial development and in the social sphere.

The **concentration** of land in the hands of a small number of producers is distorting production and market processes, and is liable to have a counter productive effect on farming in the Member States and/or in the EU as a whole.

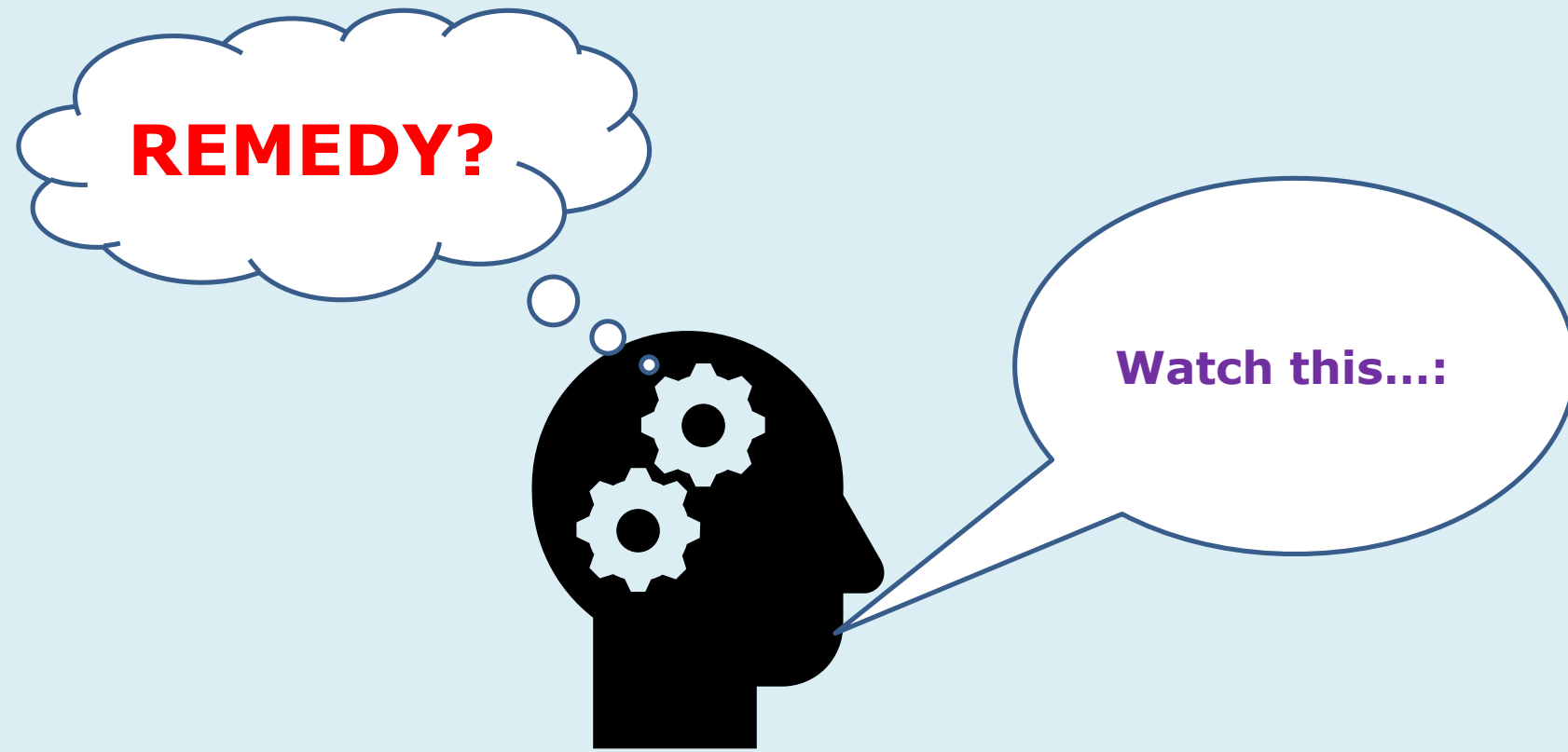
The consequence of the **concentration** of ownership of farmland is the transfer of profits and tax payments from rural areas to the headquarters of large businesses.

Concentration - land in the hands of a small number of producers

Disrupts production and market processes



# STATE OF PLAY OF FARMLAND CONCENTRATION IN THE EU



[https://www.youtube.com/watch?v=e\\_Yf-M-XPFA](https://www.youtube.com/watch?v=e_Yf-M-XPFA)

**Secures traditional products and food sovereignty**

The aim of European agricultural policy is to protect the European agricultural model based on multidimensional agriculture shaped mainly by small and medium-sized family farms .

Access to land is the first basic condition for the establishment of a farm, which in turn will create jobs and be a source of social and economic development.

**Fosters innovation while protecting the environment and future generations**

**EU MODEL OF AGRICULTURE**

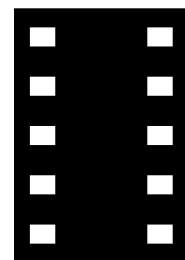
# THE DESTRUCTION OF AGRICULTURAL LAND/FARMLAND ECOSYSTEM

**AGRICULTURAL LAND**  
is a non-renewable resource

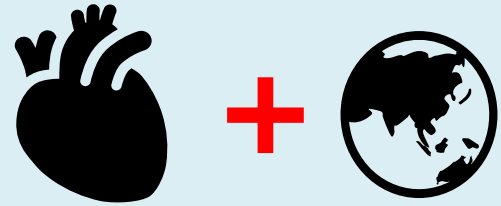
**FARMLAND**  
is particularly important for water and climate management, carbon regime and healthy food production, as well as biodiversity, soil fertility and landscape protection

In the period 2015-2030 about 11% (more than 20 million ha) of agricultural land in the EU are under high potential risk of abandonment due to factors, related to biophysical land suitability, farm structure and agricultural viability, population and regional specifics.  
(Perpiña 2018)

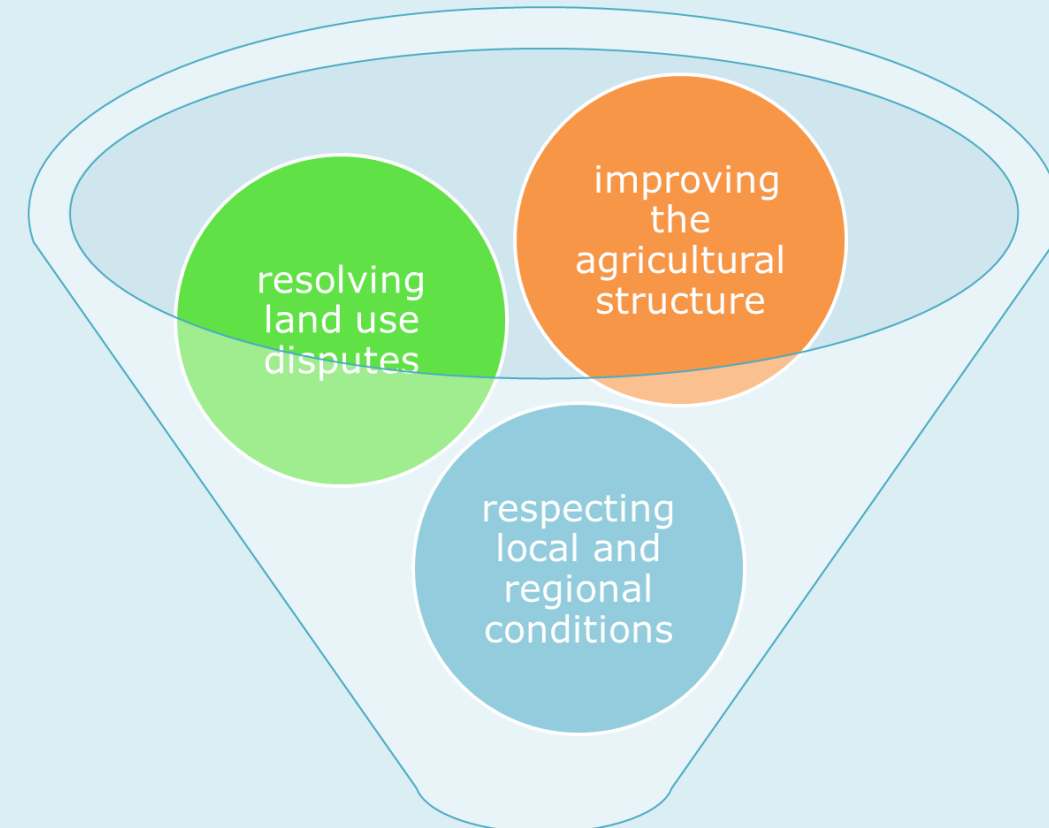
**Watch this and understand!**



# ENSURING GOOD LAND STEWARDSHIP



## EUROPEAN FARMLAND



## INTEGRATED FARMLAND MANAGEMENT



Introduce a more effective aid redistribution mechanism to avoid land concentration

Support only for active farmers

Voluntary guidelines on land management in line with the horizontal EU framework on agriculture, environment, internal market and territorial cohesion

Modification of direct payments - introduction of ceilings and their targeting to give more weight to the first hectares and to facilitate investment and the granting of direct aid to small farm

**A comprehensive approach to land management at the EU level is needed**

Petition to the European Parliament  
**PRESERVING AND MANAGING EUROPEAN FARMLAND AS OUR COMMON WEALTH:**

- I. To ensure that agricultural land does not remain a blind spot of European policies and regulations,
- II. In application of a human rights-based approach,
- III. And on the basis of the current legislative framework, its necessary continuous monitoring and the need to comply with the best international standards.

# ENSURING GOOD LAND STEWARDSHIP

## Ensuring responsible treatment of land and sustainable land management



- ⚠ EU Member States (MS) have put in place various national laws establishing different conditions and restrictions for agricultural land market transactions covering rental markets, sales markets or both.
- ⚠ The adoption and implementation of agricultural land market regulations are under the jurisdiction, and are the decision, of Member States.
- ⚠ There is no specific (secondary) EU legislation regulating land market transactions.
- ⚠ However, the acquisition of farmland falls within the area of EU law related to the free-movement principles governing the functioning of the EU internal market. (Vranken, 2021)

**CARING TOGETHER FOR NATURE**

Manual on land stewardship as a tool to promote social involvement with the natural environment in Europe



With the support of:



With the collaboration of:



# ENSURING GOOD LAND STEWARDSHIP

**Agricultural land market regulations**

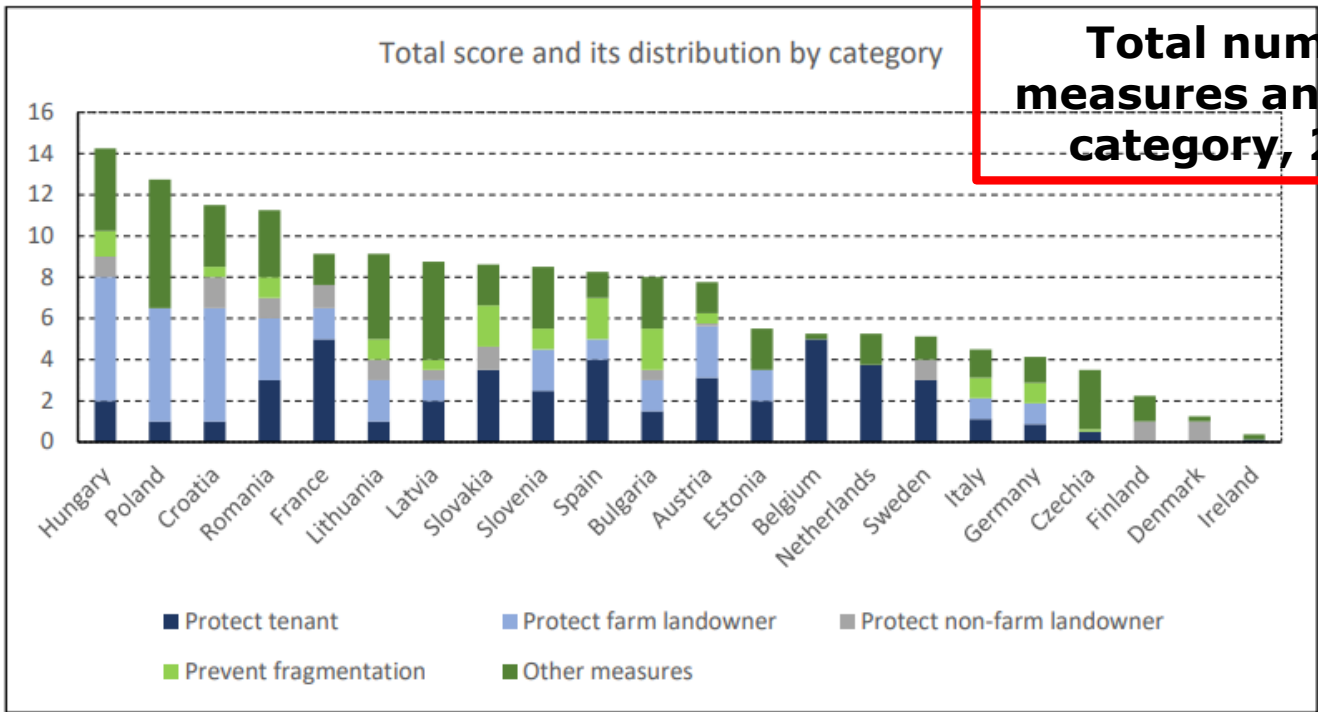
Protection of the tenant

Protection of the farmland owner

Prevention of land fragmentation

Protection of the agricultural land market

**Total number of land market measures and their distribution by category, 22 MS, around 2020**



Maximum	Minimum	Average	Median	Skewness	Kurtosis
14.25	0.38	7.05	7.88	0.05	-0.51

- ▶ The EU treaties prohibit imposing restrictions on the movement of capital, which is one of the four fundamental freedoms of the EU internal market.
- ▶ The EU treaties also recognise the distinctive nature of agricultural land and allow the imposition of restrictions on foreign investments in farmland, if they are proportionate to the protection of legitimate public interests, including, for example, preserving agricultural communities, developing and maintaining sustainable agriculture, or preventing land speculation (Vranken, 2021)

Source: Vranken, L., E. Tabeau, P. Roebeling, P. Ciaian with contributions from country experts, Agricultural land market regulations in the EU Member States, EUR 30838 EN, Publications Office of the European Union, Luxembourg, 2021, ISBN 978-92-76- 41990-7

# ENSURING GOOD LAND STEWARDSHIP



measures to protect the tenant: minimum rental contract duration, maximum rental price, automatic rental contract renewal, conditions for rental contract termination, and tenants' pre-emptive rights

measures to protect the farmland owner: restrictions on legal form of buyer, restrictions on nationality of buyer for legal entities and natural persons, restrictions on residence of buyer, restrictions on experience of buyer, maximum sales price, pre-emptive right to (neighbouring) farmers and maximum transacted/owned area

measures to prevent land fragmentation: lower plot size limit and regulations on pre-emptive buying rights of the co-owner

other measures targeting the agricultural land market: requirement to publish sale offers, procedures for sale of public land, share deal approvals, pre-emptive rights for state/public bodies, pre-emptive rights for family relatives, moratorium on transferring ownership after acquisition and moratorium on selling public land

**FINDINGS OF THE REPORT**

# ACCESS TO LAND FOR NEW ENTRANTS

## Statement:

access to land is the primary precondition for setting up a farm, which in turn will create jobs and foster social and economic development



In order **to attain the objectives of the CAP**, to give small and medium-sized local producers, **new entrants** and young farmers – while ensuring equal gender access – priority in the purchase and rental of farmland, including preemptive rights where established, as the ownership of as much as possible of the land they farm is in the interest of a sustainable and reliable development of their farms, particularly at a time when non-farmers are increasingly interested in purchasing agricultural plots, very often for purely speculative purposes; encourages the Member States to promote small-scale family farms and sustainable production methods ([State of play, 2017](#)).

# ACCESS TO LAND FOR NEW ENTRANTS

European farmers are a greying population. More than half of European farmers will retire within 10 years, while only 7% are under the age of 35.

Many senior farmers have no successors in their family, and have no identified successor outside of it.

The question of **who is going to be the next generation of European farmers** is a very pressing one.

**Who will grow our food?**

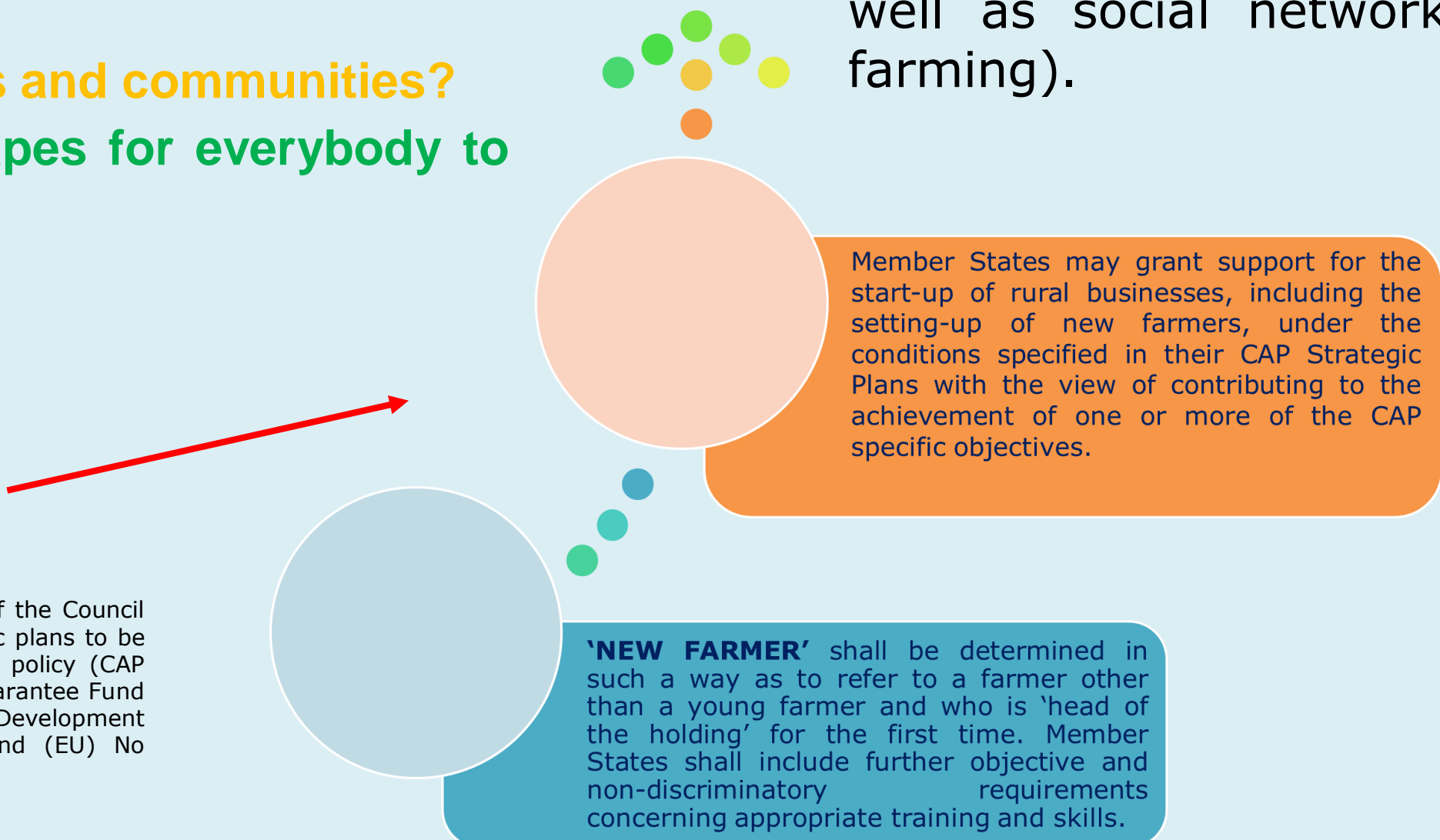
**Who will sustain rural economies and communities?**

**Who will maintain open landscapes for everybody to enjoy? (Rico, 2018).**

## NEW ENTRY

Entrance into farming with no previous experience or resources.

Individuals who start farms frequently have some prior experience or connection to farming, owing to the resource needs of new farm establishment (land, labour, capital, housing, skills and knowledge as well as social networks associated with farming).



Member States may grant support for the start-up of rural businesses, including the setting-up of new farmers, under the conditions specified in their CAP Strategic Plans with the view of contributing to the achievement of one or more of the CAP specific objectives.

**'NEW FARMER'** shall be determined in such a way as to refer to a farmer other than a young farmer and who is 'head of the holding' for the first time. Member States shall include further objective and non-discriminatory requirements concerning appropriate training and skills.

Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 PE/64/2021/REV/1, OJ L 435, 6.12.2021, p. 1-186



# EU APPROACH TO THE PROBLEM OF ACCESS TO AGRICULTURAL LAND CASE OF LAND GRABBING

## LAND GRABBING

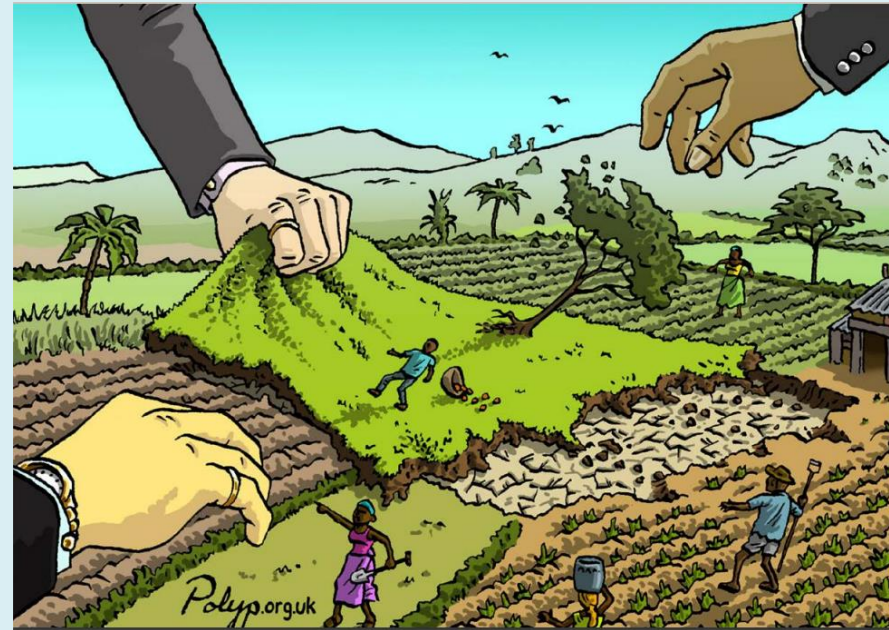
is the control of various forms of larger than locally-typical amounts of land by any persons or entities for purposes of speculation, extraction, resource control, or commodification at the expense of peasant farmers, agroecology, land stewardship, food sovereignty, and human rights (Kay, Peuch 2015)

**LAND GRABBING** in the European Union is associated with **land deals** that:

- ✦ are out of standard European proportions
- ✦ represent a deep rupture with the European model of family farming and the structural goal of a diversified and multifunctional agricultural system.
- ✦ involve the capturing of decision-making power over land (how land is to be used, by whom, for how long, and for what purposes) and a far-reaching reordering of the socio-economic and ecological relations of agricultural production
- ✦ involve a new set of actors and investors not traditionally involved in agriculture
- ✦ imply an “extra-economic” force (Opinion 2015)



# LAND GRABBING



Source: A. Wijeratna, *Act On It: 4 Key Steps to Prevent Land Grabs*, May 2015, DOI:10.13140/RG.2.2.14290.20161

In dangerous are farmlands in Africa, South America and other regions, including some parts of Europe where **land is relatively cheap** compared with industrialised countries and the international average. (Nurm 2015)

**Land grabbing takes place primarily in the countries of central and eastern Europe.**

global land grab - term to describe the rising commercial interest in farmland and the increase in large-scale land (Kay 2016)

## EU: Land grabbing – a wake-up call for Europe and an imminent threat to family farming

There is no internationally recognised single definition of land grabbing.

What encourage land grabbing? Factors such as: increasing globalisation and the associated principle of free movement of capital; population growth and urbanisation; the ever increasing demand for food; rising demand for bio-energy; growing demand for natural resources (fibres and other wood products); the negative side of agricultural and environmental policy; the possibility of being able to speculate on food products on the international or at least European market; the potential to speculate on the rising value of farmland and future state aid; and the efforts of big investors to put capital released in the wake of the 2008 financial crisis into agricultural land as a safe investment.

## IMPACT OF LAND GRABBING

Food and non-food crops produced on farmland that has been bought up are mainly exported to the countries of the investors. Only a small fraction of these products are destined for the local market.

Land grabbing and land concentration result in those farms that had been using the land being squeezed out, and consequently to loss of jobs and communities in rural areas.

Land degradation

**LAND  
CONCENTRATION  
AND  
LAND GRABBING**

**European  
farming model  
characterised by  
family farms**

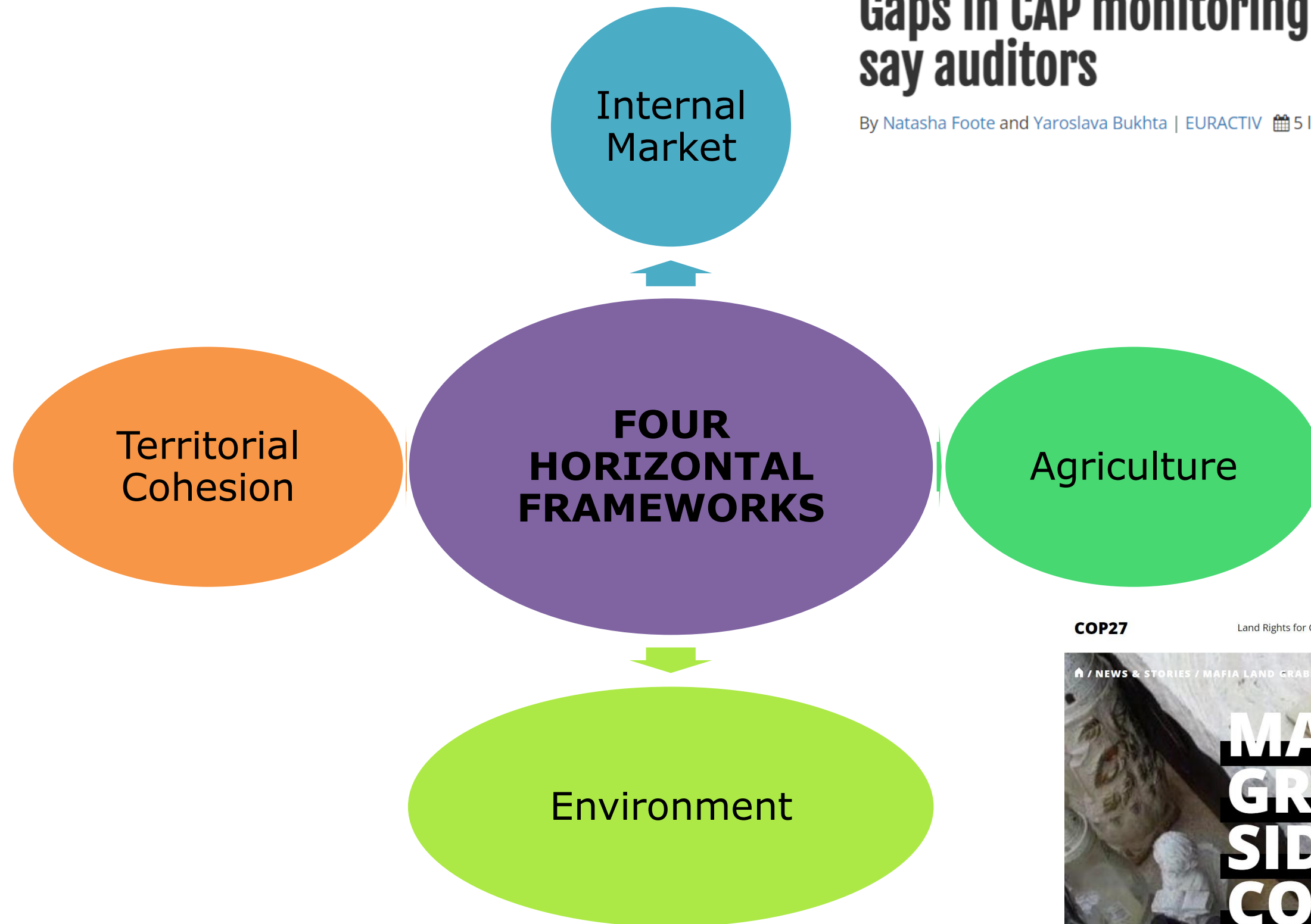
**Is being crowded  
out by large-scale  
industrial  
agricultural  
production**

National food security deteriorates in proportion to the degree of land grabbing.

Land grabbing has a negative impact on the development of rural communities.

Process is generally irreversible, since it is very difficult for small farmers or even for new businesses (and young farmers) to acquire land and establish themselves in this economic sector without sufficient capital.

# HOW TO PREVENT THE LAND GRABBING AND LAND CONCENTRATION



[Home](#) / [News](#) / [Agrifood](#) / [CAP reform](#) / Gaps in CAP monitoring leave it open to fraud, illegal land grabbing, say auditors

## Gaps in CAP monitoring leave it open to fraud, illegal land grabbing, say auditors

By [Natasha Foote](#) and [Yaroslava Bukhta](#) | EURACTIV  5 lip 2022 (updated:  11 lip 2022)

Land Grabbing and Human Rights: The Role of EU Actors Abroad

April 2017

DOI: [10.13140/RG.2.2.15850.82881](https://doi.org/10.13140/RG.2.2.15850.82881)

Affiliation: FIAN International

Authors:



**Elyse N. Mills**  
International Institute of Social Studies (I...)

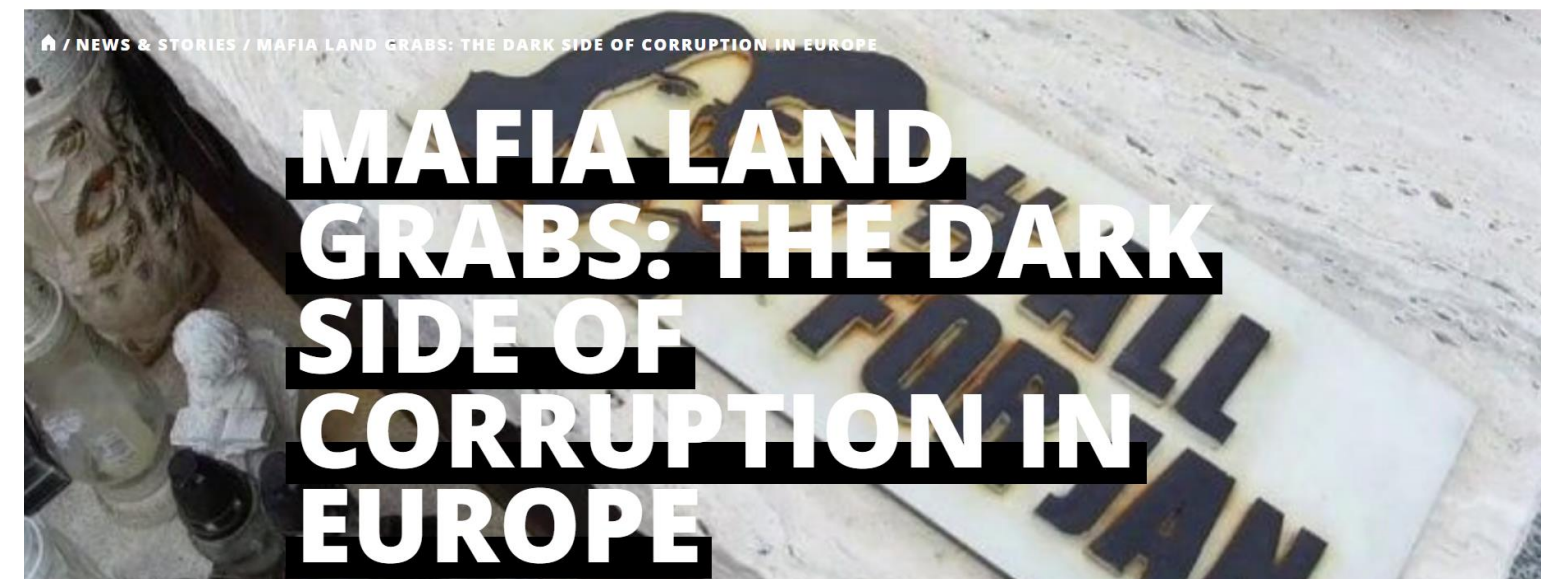


FIAN

COP27

Land Rights for Climate, Nature and People

[#LANDRIGHTSCOP27](#) →



## HOW TO PREVENT THE LAND GRABBING AND LAND CONCENTRATION

EU should allow Member States greater freedom to regulate the sale and lease of farmland within their territory, and call upon the European Court of Justice to show greater flexibility in its interpretation of the principle of the free movement of capital.

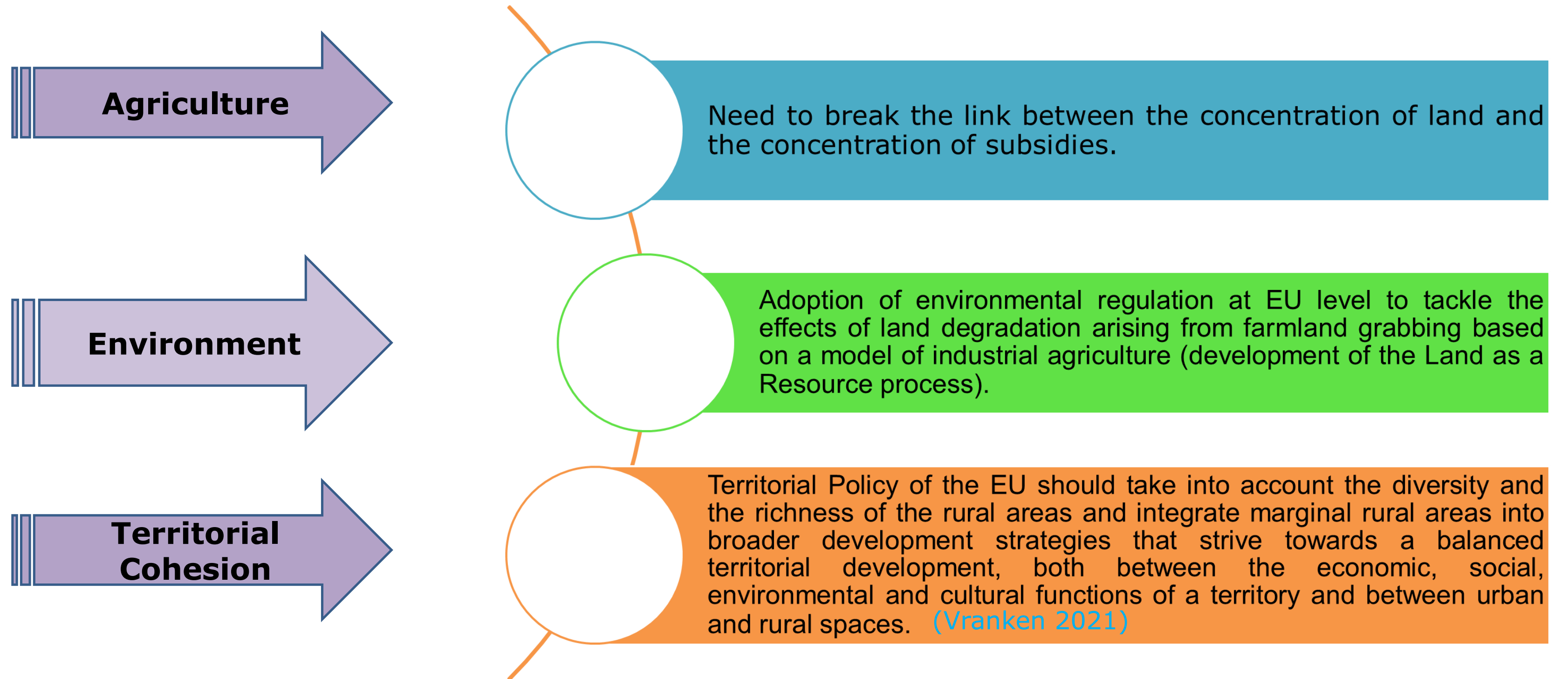
Member States may consider including setting upper limits for the acquisition of agricultural land and to create a system of pre-emptive rights to help those whose landed property is below this upper limit.

Member States should also support the use of land sharing arrangements and land banks which support access to land for small, young, and aspiring farmers.

The development at EU wide level of new data collecting instruments on patterns of land tenure in Europe. ([Vranken 2021](#))

**Internal market**

# HOW TO PREVENT THE LAND GRABBING AND LAND CONCENTRATION



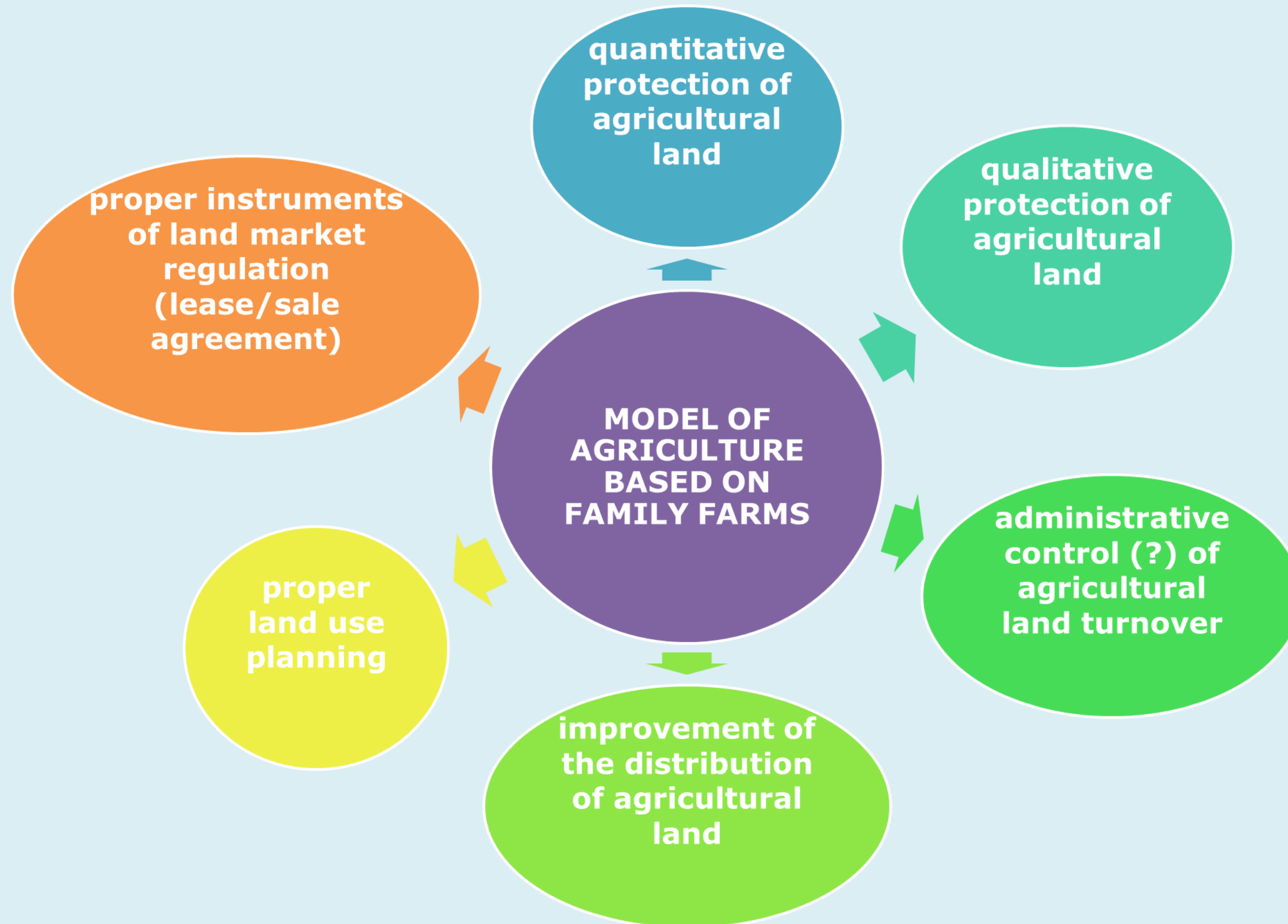
## LAND GRABBING AND LAND CONCENTRATION –CHALLENGES FOR FUTURE

EC Recommendation on Land, to be implemented through a series of EU Directives based on the four horizontal frameworks (Internal Market, Agriculture, Environment and Territorial Cohesion) which would aim at a comprehensive, holistic and human rights based approach to land.

Implementation of the Tenure Guidelines for improving land governance in the European Union and informing the development of an EC Recommendation on Land - must take into account the competences of the EU and of the Member States. [\(Kay, Peuch, Franco 2015\)](#)



# HOW TO FACILITATE THE ACCESS TO LAND FOR FARMERS?





## EU's family farming model at risk of dying out, warns MEP

By Natasha Foote | EURACTIV 📅 19 lut 2021 (updated: 📅 1 mar 2021)

Source: <https://www.euractiv.com/section/agriculture-food/news/eus-family-farming-model-at-risk-of-dying-out-warns-mep/>

**FIND MORE/READ MORE  
WHAT THE PRESS SAYS**

Food and Agriculture

## Land concentration in Europe. What we know

By Elena L. Pasquini - November 28, 2017

Source: <http://www.degreesoflatitude.com/top-news/land-concentration-in-europe-what-we-know/>



Land Use Policy  
Volume 112, January 2022, 105852



Can succession improve the economic situation of family farms in the short term? Evidence from Poland based on panel data ☆

Michał Dudek <sup>a</sup> <sup>1</sup> , Aleksandra Pawłowska <sup>b, 2</sup>

Source:  
<https://www.sciencedirect.com/science/article/abs/pii/S0264837721005755>

# FIND MORE/READ MORE WHAT THE PRESS SAYS



# ACCESSTOLAND

A European network of grassroots organisations securing land for agroecological farming

WHO WE ARE ISSUES COUNTRIES POLICY RESOURCES NEWS



# ACCESSTOLAND

A European network of grassroots organisations securing land for agroecological farming

WHO WE ARE ISSUES COUNTRIES POLICY RESOURCES NEWS

Home > News > News >

## Farmers without Land?

Symposium at the Heinrich-Böll-Foundation, Berlin, Germany  
(26.01.2022)



# ACCESSTOLAND

A European network of grassroots organisations securing land for agroecological farming

WHO WE ARE ISSUES COUNTRIES POLICY RESOURCES NEWS

Home > News > News >

## Wanted: Land for New Farmers - Scotland

### New report!

The [Scottish Farm Land Trust](#) just released its first report: [Wanted: Land for New Farmers](#).

Home > News > News >

## Strategising access to land as a tool for land stewardship

A new approach of the Catalan Nature Conservation Network

By Clara Blasco



# ACCESSTOLAND

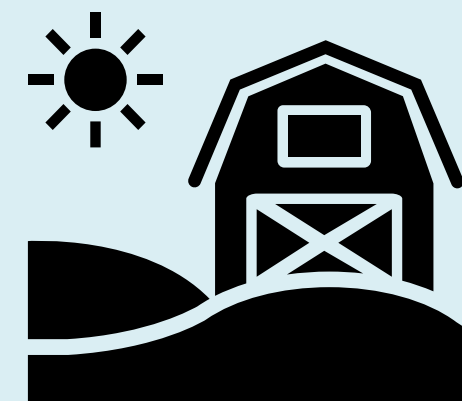
A European network of grassroots organisations securing land for agroecological farming

WHO WE ARE ISSUES COUNTRIES POLICY RESOURCES NEWS

Home > News > News >

## Lenteland - a name to remember

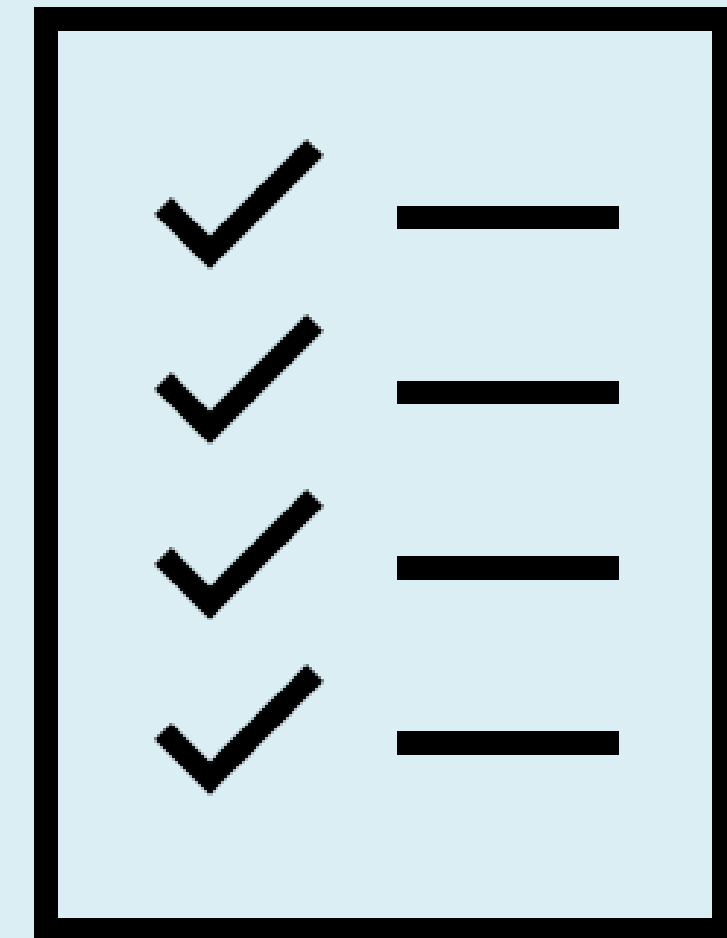
A new land initiative emerging in the Netherlands



## KEY MESSAGES OF THE LECTURE

---

1. Agricultural land is an essential asset for food production and the development of rural regions in general, and for societal development.
2. Agricultural land is instrumental in providing livelihoods for farmers and in ensuring food security for the general population.
3. At the same time, it is subject to many activities that contribute to its reduction or depletion in quantity, value and quality.
4. Only proper regulation of land circulation and use will allow its protection from a holistic perspective.



# CHOOSE THE RIGHT ANSWER

---

**TEST YOUR  
KNOWLEDGE**

1. The most important element of a farm is capital.

**False/true**

2. Tenure Guidelines allow to improve land governance.

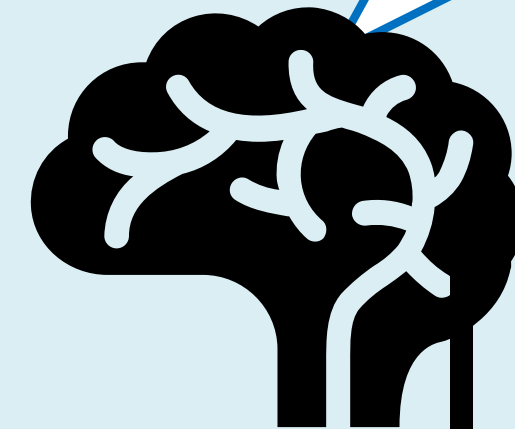
**False/true**

3. Land grabbing does not exist in EU.

**False/true**

4. Land concentration is caused by new entrants.

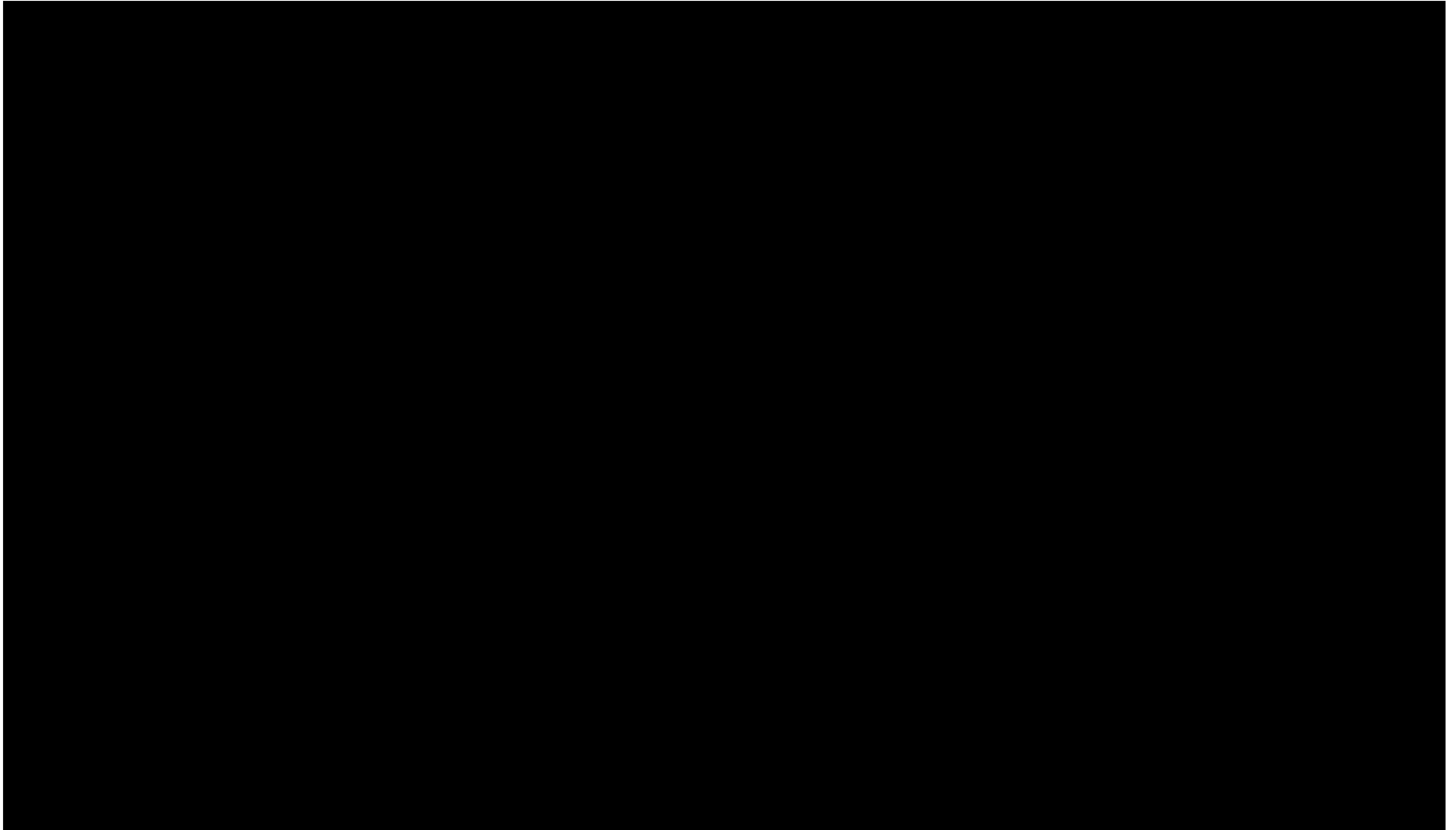
**False/true**



## References

- Directorate General for Internal Policies - Sylvia Kay, Jonathan Peuch, Jennifer Franco. (2015). "Extent of farmland grabbing in the EU". [https://www.accesstoland.eu/IMG/pdf/ipol\\_stu\\_2015\\_540369\\_en.pdf](https://www.accesstoland.eu/IMG/pdf/ipol_stu_2015_540369_en.pdf)
- European Economic and Social Committee (2015). "Land grabbing – a warning for Europe and a threat to family farming". <https://www.accesstoland.eu/IMG/pdf/eesc-2014-00926-00-00-ac-tra-en.pdf>
- European Economic and Social Committee. (2016). "Access to land – a serious challenge for Europe's farmers". <https://www.eesc.europa.eu/en/news-media/news/access-land-serious-challenge-europes-farmers>
- European Parliament resolution of 27 April 2017 on the state of play of farmland concentration in the EU: how to facilitate the access to land for farmers (2016/2141(INI)), available at [https://www.europarl.europa.eu/doceo/document/TA-8-2017-0197\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2017-0197_EN.html)
- <https://www.accesstoland.eu/>
- Kay S., Land grabbing and land concentration in Europe: A Research Brief, TNI. (2016). [https://www.tni.org/files/publication-downloads/landgrabbingeurope\\_a5-2.pdf](https://www.tni.org/files/publication-downloads/landgrabbingeurope_a5-2.pdf)
- Opinion of the European Economic and Social Committee on Land grabbing – a warning for Europe and a threat to family farming (own-initiative opinion) NAT/632, Land grabbing in Europe/ family farming, Brussels, 21 January 2015
- Perpiña Castillo C., Kavalov B., Diogo V., Jacobs-Crisioni C., Batista e Silva F., Lavallo C, JRC113718, European Commission. (2018). <https://ec.europa.eu/jrc/en/luisa>
- Rico N., Europe's new farmers Innovative ways to enter farming and access land. (2018). [accesstoland.eu](https://www.accesstoland.eu/)
- State of play of farmland concentration in the EU: how to facilitate the access to land for Farmers European Parliament resolution of 27 April 2017 on the state of play of farmland concentration in the EU: how to facilitate the access to land for farmers (2016/2141(INI)), (2018/C 298/15)
- Vranken, L., E. Tabeau, P. Roebeling, P. Ciaian with contributions from country experts, Agricultural land market regulations in the EU Member States, EUR 30838 EN, Publications Office of the European Union, Luxembourg. (2021). ISBN 978-92-76-41990-7, doi:10.2760/86127, JRC126310

**THIS IS NOT THE END OF THIS COURSE! NOW WATCH THIS!!!**



# Thank you for your attention

---



**Any question?**

**Doubts?**

**Feel free to reach me at:**

[Izabela.lipinska@up.poznan.pl](mailto:Izabela.lipinska@up.poznan.pl)

